



MINUTES

BOARD OF EQUAL RIGHTS COMMISSIONERS

January 17th 2018, at 2:30pm

Room 301-A, City Hall, 200 E. Wells Street Milwaukee, WI 53202

Present:

Commissioner Jeffery Roman, Chair

Commissioner Chez Ordenez, Vice-Chair

Commissioner Tony Snell

Commissioner Sheila Ashley

Commissioner Mayhoua Moua

Sharon Robinson, Dept. of Administration

Ben Roovers, City Attorney's Office

Patricia Ruiz-Cantu, Dept. Of Administration

Rebecca Rabatin, ADA Coordinator

Flowers Nash II, Diversity Recruiter, Dept. of Employee Relations

Shelley Gregory, Milwaukee LGBT Community Center

Dave Reed, Zagster

Tim Alborg, Zagster

Karen Dettmer, DPW, Public Works Coordination Manager

Brian Peters, IndependenceFirst

Deb Falk-Palec, Chair, Milwaukee County Commission for Persons with Disabilities

Sharin Cabral, Disability Rights Wisconsin

Sally Sheperdson, Executive Director, Bublr Bikes

Captain Heather Wurth, MPD

Officer Joshua Post, MPD

The meeting was called to order at 2:30pm.

1. Approval of Minutes from December 20th Meeting

Commissioner Snell moved to approve the minutes, Commissioner Ashley seconded. Minutes approved unanimously.

2. Diversity Recruiter Introduction (Flowers Nash II, DER)

Commissioner Roman stated that the Equal Rights Commission had asked Mr. Nash to attend the meeting to hear about what the city is doing to promote diversity and inclusion in the hiring process and to talk about potential partnership in the future. Mr. Nash stated that as the Diversity Recruiter, his role is to create a more diverse atmosphere amongst city employees. He stated he goes out to high schools, colleges, affinity groups, etc. to let them know about employment opportunities in the city. He stated that when an employment opportunity opens up within the city the job posting goes through him and he makes a plan on where recruitment will take place. Mr. Nash stated that DER is hosting an entry-level career fair on Tuesday, January 23rd in the City Hall rotunda. He stated that currently the city is hiring for a Bridge Operator, a City Laborer and an Urban Forestry Arborist Apprenticeship. He stated that the job fair will also include community organizations that work with people who may have barriers to employment. Commissioner Snell stated that the transgender community faces barriers to employment when their gender marker on their ID does not match their gender presentation. He suggested that Mr. Nash contact the Milwaukee LGBT Community Center to table at the career fair as well.

Mr. Nash brought up a new program idea, Success in the City: Job Shadowing Your Future. This program is designed to make the City of Milwaukee a destination employer. Students in 6th grade through college will be invited to the City to learn about employment opportunities and shadow current city employees and elected officials. He would also partner with the MPS and the Pathways Program. He stated the Mayor, President Hamilton and many of the Alders were supportive of this idea.

Mr. Nash stated he has been charged to visit two Historical Black Colleges in 2018. The city is looking for colleges that have majors that reflect the needs of the city. Currently the city is in need of nursing, engineering, library science and IT majors. Commissioner Ashley stated she is extremely supportive of Mr. Nash recruiting from HBCUs, but that there are also many students of color in the colleges in and around the City.

Commissioner Snell suggested that Mr. Nash also connect with Independence First to talk about ways to reach the disability community in his recruitment efforts. Commissioner Ashley asked if he has looked into partnering with MATC. Mr. Nash stated that he has worked with MATC when looking for draft engineers but that he would like to work with them more in the future. Commissioner Ashley stated that the general education students would benefit greatly from knowing what jobs they could work toward in the future. Commissioner Ashley also stated that her daughter provides legal services to the students enrolled in the Pathways program and suggested that Mr. Nash think about also targeting young adults aging out of foster care and the homeless population.

Commissioner Snell asked if Mr. Flowers has gotten any pushback from any City Departments. Commissioner Roman also asked if there have been any reports done on the current makeup of city employees. Mr. Nash stated that he could request these numbers be given to the ERC.

Commissioner Ashley also stated that the ERC would be willing to help Mr. Nash with spreading the word about any job openings and job fairs. Mr. Nash stated that the area he would really like to see more growth in diversity is in the mid and upper-level management positions. Commissioner Ordonez asked what type of diversity training city managers go through. Mr. Nash stated that there have been discussions about this type of ongoing cultural competency training but that there currently is not any type of diversity training for city managers. Sharon Robinson stated that DOA has a Racial Equity and Inclusion initiative that offers cultural competency training for divisions that have a great deal of contact with the community. She stated that this initiative could be expanded to reach city managers.

Commissioner Ordonez asked how the ERC can help. Ms. Robinson stated that DOA would need to assess the capacity to start offering these trainings to hiring managers in the city. She stated it would be doable with a “train the trainer” program. She stated that DER and DOA could partner and should meet to discuss. Commissioner Ashley suggested that Mr. Nash go back to his supervisor (Maria Monteagudo) and let her know that this type of training was discussed at the meeting. Commissioner Ashley invited Ms. Monteagudo to attend the next ERC meeting to discuss this partnership.

Shelley Gregory (Milwaukee LGBT Community Center) stated that in her experience sometimes these types of trainings can bring on a backlash if the trainings are not done well and if there is not an accountability mechanism to follow the training. Shelley suggested that accountability should come down from the top and that it should be part of manager’s reviews.

3. Zagster – Adaptive Bikes (Dave Reed)

Commissioner Roman stated that at the previous ERC meeting it was recommended that Zagster come talk to the Commission about their adaptive bike options. Tim Alborg (Zagster) stated he would like to talk to the Commission about their new PACE program (www.ridepace.com) and the potential of releasing the program in the Milwaukee community. He stated that this program will target the disability community, communities of color and low-income communities.

Dave Reed (Expansion Manager, Zagster) stated the company mission is to make the bicycle the most loved mode of transportation for all. He stated they have launched over 200 bike share programs across the country. PACE is a bike share program that can be launched at no cost to the city. The program compliments a city’s current bike share program.

Mr. Reed stated that over the past year a dock-less bike share program has been introduced in the US. The bike comes with a lock and can be left and picked up anywhere in the city. He stated that there are both pros and cons to this type of program and that they have been working on getting feedback from customers. After looking over feedback from customers, the PACE program has introduced a 2-part locking mechanism for the dock-less bikes. These bikes must be locked to current city or specified Zagster bike racks. Mr. Reed stated that by keeping cost low (through a dock-less system) more bicycles can be brought into communities of need.

Mr. Reed stated that in looking at the needs of Milwaukee, Zagster would like to discuss bringing in bicycles to parts of the city that are not currently serviced by the existing bike share program as well as adaptive bikes. He stated that currently Zagster has three types of adaptive bikes including hand cycles, side-by-side bicycles and tricycles.

Commissioner Ordonez stated that a city the size of Milwaukee should not have to be limited to only one bicycle vendor. He also asked for a list of all the locations Zagster currently serves. Commissioner Ordonez asked Zagster to elaborate on their adaptive bikes and requested that they talk about how it has gone in other cities that have an existing bike share vendor. Mr. Reed stated the tricycle has a handbasket in back and can be used by both the disability and senior community. He stated the side-by-side bike is good for people with disabilities that have a care giver or a partner without a disability. He stated these side-by-side bikes can also be used for recreational purposes for non-disabled patrons.

Mr. Reed stated they have not had issues with existing bike share programs and that they are always sure to build a strong partnership with the municipality and the existing bike share program. Mr. Alborg stated that they also work with partners across the municipalities to get a better idea of where the bikes would be needed most. Commissioner Ordonez asked if the adaptive bikes have been successful. Mr. Reed stated the City of New York and Philly have recently reached out to seek out info about their adaptive bikes. He stated they do see a trend of cities who want to offer these options to their communities.

Mr. Reed stated that currently in Wauwatosa their adaptive bikes are docked at a specific station and are used for round-trip rides. He stated that if they were to come to Milwaukee they would want to use both dock stations and a dock-less system. He stated there could be designated spaces for parking for the bikes. Commissioner Roman asked how the working relationship with the City of Wauwatosa has been. Mr. Alborg stated Wauwatosa has been a good partner but that their program is much smaller than what they envision for Milwaukee.

Commissioner Ordonez asked what the price is for adaptive bikes. Mr. Alborg stated that with the PACE program, the bicycles and the infrastructure are given to the municipalities free of charge. The rider pays through an app (\$1.50/half-hour). Zagster covers the cost of their program through sponsorship, advertising and rider fees. Mr. Alborg stated that once a rider sets up their PACE account through the app they will be able to use the bike share system in any other city that has the program. Commissioner Ordonez also asked if the PACE program offers any discounts or yearly memberships for low-income communities. Mr. Alborg stated that through local partnerships they have been able to find ways to work with community members who may not have a credit or debit card. They have also had communities where people that are Medicare or Medicaid automatically get a PACE membership.

Commissioner Ordonez stated further discussions would need to be had with the City about infrastructure and sustainability. He also asked if there was an analysis of a like city. Rebecca Rabatin stated that previous to the ERC meeting DPW had a meeting about adaptive bikes and would be putting together a list of questions that they would ask Zagster through a conference

call in the next few weeks. She stated that she would take questions from the Commission as well.

Commissioner Roman asked who would have the final decision making power regarding adaptive bikes being brought to the city. Karen Dettmer (DPW) stated that she is very much involved in this discussion and also sits on the Bike and Pedestrian task force for the City of Milwaukee. She stated that ultimately who in the City makes the final decision about bringing in adaptive bikes would depend on what the program would look like. She stated that the current bike share program came about through a big push from Milwaukee community members. She stated she sees the adaptive bikes issue as a similar situation. Ms. Dettmer stated that DPW does have some concerns and questions about the program. She stated if there is an agreement (permit, contract, etc.) made between the City and Zagster that it would have to be approved through the Common Council's Public Works Committee.

Commissioner Ordonez stated that the City is happy with the current bike share program (Bublr) but that unfortunately they cannot be inclusive to everyone in the City at this time. Mr. Reed stated that PACE would be a complimentary program to Milwaukee's pre-existing bike share. Commissioner Ordonez stressed the importance of community involvement when deciding where the bikes will be located if they City ends up bring the PACE program in.

Brian Peters (*IndependenceFirst*) asked why the PACE program would need to be brought in through the city if it is both free and dock-less. Commissioner Ordonez stated that anything operated through the city would need to be approved and have a permit from the city. Commissioner Snell asked about a decision-making timeline. Karen Dettmer stated that DPW is very cognizant about the impacts of bringing a new business into the city. Commissioner Roman asked if Zagster has had a conversation with Bublr. Mr. Alborg stated that a conversation with DPW, Bublr and Zagster had taken place before this meeting and that they would like to keep the dialogue going.

Sharin Cabral (Disability Rights Wisconsin) stated that in the meeting held earlier with DPW, Bublr and Zagster there were several red flags that came up for her. She stated she understands that Bublr is a nonprofit that has established a relationship with the City and has done good work, but that she thinks that when a decision is made regarding a program that is meant to benefit the residents of Milwaukee that impartial judgement is crucial. Ms. Cabral stated that having a separate accessible bikes-only program in the city is a start but not the end goal. She stated that eventually Milwaukee's bike share program needs to be inclusive to all people as a whole. She stated that she was very pleased with the PACE program because it is both dock-less and accessible for all people. Ms. Cabral stated that it is very important that the City has no conflict of interest when making a decision on bringing PACE to Milwaukee. She stated that Jeff Polenske (DPW) being on the board of Bublr may be a conflict of interest.

Commissioner Ashley stated that the City has an obligation to whatever may be the best-interest for the City. She also questioned the "no-cost" of the PACE program and wanted to know more information about potential hidden costs. Commissioner Ashley stated that she believes in competition and that this could end up being a competitive process. Karen Dettmer

reminded the Commission that Bublr is a nonprofit organization that uses BCycle Bikes to do their work. She stated that BCycle went through the competitive process. She also stated that since it is a nonprofit it is not necessarily a conflict of interest to have City employees on the Bublr board. Ben Roovers stated that a request through the City Attorney's office could be made to look into the potential conflict of interest and issue an opinion into whether or not Jeff Polenske should recuse himself from any decisions made about this issue. Karen Dettmer stated that DPW is very interested in bringing adaptive bikes to the City but that it needs to be well-researched and potential future legislation needs to be addressed. Ms. Dettmer stated that the City's list of questions will be sent out to Zagster within the next two weeks.

Sally Sheperdson (Bublr Bikes) stated that when Bublr launched what got lost in the narrative was "who Bublr is." She stated the three people who started Bublr were visionaries and they had to make many tough choices. She stated that it was intentional to make Bublr a nonprofit. "Bublr for All" is their mission and is located throughout the city to serve the community. She reminded the Commission about all of the programs and opportunities Bublr has offered to underserved communities in Milwaukee. She stated that besides Philadelphia, Bublr is most recognized for their equity work. She stated that Bublr is a nonprofit that does not get money from the city but gets funding for philanthropic funders and rider fees.

Commissioner Ordonez brought up "Bublr for All" and stated that at this time that does not include those that cannot ride a "standard" bike. He stated that the varying abilities community has made known that they want to enjoy riding bike share bikes and asked what Bublr's plan is to address this need. Ms. Sheperdson stated it is her understanding that Bublr has offered several solutions to the Milwaukee disability community but that they were not accepted. She stated that Bublr offered to fundraise to bring in adaptive bikes but that the community was not supportive of this option.

Commissioner Ordonez asked if BCycle was planning on adding dock-less and adaptive bikes to their bicycle inventory. Ms. Sheperdson stated that BCycle will be adding dock-less bike options to their program early this year. She also stated that BCycle is slow to coming around to adding adaptive bikes to their inventory. Commissioner Ordonez stated it is time for Bublr or Zagster to get proposals together to address this need. Ms. Sheperdson stated that she is willing to work with anyone that wants to address the issue. Commissioner Ordonez asked about Jeff Polenske as a board member. Karen Dettmer stated that Jeff Polenske has a passion for biking and has been behind getting many of the bike lanes in Milwaukee. She also stated that she has full confidence that he will always act ethically as a Bublr board member. She also stated that the City Attorney's office, ethics office and procurement office is aware of his appointment on the board and has not had an issue. Commissioner Ashley stated that she finds it offensive that a conflict of interest discussion is taking place about Jeff Polenske and that she believes city employees can serve on boards without bias.

Deb Falk-Palec (Milwaukee County Commission for Persons with Disabilities) stated that Ms. Sheperdson's statement about the disability community not being willing to accept any adaptive bike solutions from Bublr was completely incorrect. She stated that Bublr told them over and over that their service is only for travel and transportation and not for recreation. Ms.

Falk-Palec stated that Bublr told them that they would take the lead on working with BCycle and other national organizations on developing adaptive bikes but that Bublr did not offer solutions beyond that and that the disability community did not reject any adaptive bike options. Ms. Falk-Palec also stated that she had been contacted by James Davies (Bublr Bikes) and asked to not attend public meetings to talk about the adaptive bike issue. Commissioner Roman asked that Ms. Falk-Palec send a written statement to the ERC.

4. Senate Bill Discussion: LRB-4052/1 (Ben Roovers)

Commissioner Roman stated that there is a Senate bill that will impact the Equal Rights Commission. Ben Roovers (Assistant City Attorney) stated that among other things, the bill would require state-wide conformity and prohibitions against employment discrimination, preventing municipalities from having their own discrimination ordinances. If this bill is passed it would take away a large portion of Milwaukee's Equal Rights Ordinance, Chapter 109. Commissioner Ordonez brought up the long list of protected classes that cities like Milwaukee and Madison have in their ordinances and asked if this Senate Bill would be expanding on the state's list of protected classes. Ben Roovers stated that he did not think the state was looking to add any protections and that Representative Goyke had introduced a bill that would add gender identity as a protected category under Chapter 111 in the Wisconsin Fair Employment Act, but that was more of a gesture.

Commissioner Ordonez asked if the Intergovernmental Relations team had a gauge on the likelihood on if this bill will pass and when. Director Sharon Robinson stated that she would reach out to the team for an update. Commissioner Ordonez stated that it may be a good idea for the ERC to build a coalition with other equal rights bodies across the state and find out what they are doing. He also stated that there should be a direct meeting with the author of the bill. Commissioner Ordonez stated that he is not necessarily against the state taking the power away from municipalities but that he is against the state not offering protections to the full list of classes that other Wisconsin cities currently do.

Commissioner Roman asked what the city's position is on this issue or if they have taken a position at all. Director Robinson stated she would talk to La Keisha Butler to get an update. Commissioner Snell stated that the ERC should also reach out to the county and the city of Madison to see if they have made any moves on this bill. He also stated that the Commission should draft a statement about the losses if the bill is passed. Ben Roovers stated that the stated purpose of this bill is to ensure that businesses that are working state-wide do not have to work around different city regulations. Commissioner Ordonez asked if there have been any conversations about this bill with elected city officials/departments and bigger businesses and if they have expressed concern about their constituents' possibly losing protections. Director Robinson stated she would find out from La Keisha Butler. Ben Roovers stated that it would be beneficial to get statements from large businesses that do business state-wide. Commissioner Ashley requested a fiscal note, the drafting attorney's notes and any companion piece of legislation at the Federal level.

5. Commission Updates (Commissioner Ordonez)

Held until next meeting.

6. Tobacco Free Alliance PrideFest Letter (Commissioner Snell)

Held until next meeting.

7. The Wisconsin LGBT Summit (Commissioner Snell)

Commissioner Snell asked if the ERC has the budget to send staff and Commissioners to this Summit and stated that the cost is \$75. He also stated that he would pass information about the Senate Bill along to the planners of the Summit.

8. Community Dialogue & Upcoming Events

Commissioner Roman stated that the ERC is still looking for individuals to fill the empty seats of the ERC. He asked that recommendations be made as soon as possible and that potential Commissioners send their resumes to Jessica Langill (Equal Rights Specialist). Commissioner Moua stated that the Asian/Pacific Islander community will be hosting a health conference on April 21st at the Italian Community Center. Commissioner Snell asked if there is availability to have a table and Commissioner Moua stated she would send the information to Jessica Langill. Commissioner Roman stated that Policy Link will be hosting their Equity Summit April 11-13 in Chicago. He stated that registration is currently open. Commissioner Ashley stated she will not be able to attend the February meeting because she will be working the election canvassing. Commissioner Moua stated that she will not be able to attend the February meeting either. Commissioner Roman stated that since we will not have quorum that the ERC should look at rescheduling the meeting or skipping the February meeting.

9. Next Meeting Date: February 21st, 2018 at 2:30pm

10. Adjourn

Meeting adjourned at 5:06 p.m.

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